

**REMARKS**

Initially, Applicant wishes to thank the Examiner for discussing the rejected independent claims on November 21, 2008, during which no agreement was reached concerning the allowability of the rejected claims.

Applicants submit this Amendment with the filing of a Request for Continued Examination. Upon entry of the present Amendment, claims 1-6, 9-19 and 22-38 remain pending. The independent claims have been amended as explained below. Support for the claim amendments appears in paragraphs 28 and 30 in the original document (corresponding to paragraphs 30 and 32 in the published application) and Fig. 2B.

The pending claims are believed to be in proper condition for allowance. Review and reconsideration of the claims are respectfully requested.

***Rejection of claims 1, 5-6, 8-9, 12, 14, 18-19, 21-22, 25, 27-30, 32 and 34 under 35 U.S.C. §102(b)***

Claims 1, 5-6, 8, 12, 14, 18-19, 21, 25, 27-30, 32, 34 and 35 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,214,470 to Denber. In response, Applicant respectfully traverses the rejection based upon the following.

Applicant respectfully points out that embodiments of Applicant's invention concern performing various processes only on a target image region of an image scan area, without processing areas outside of the target image region. For instance, if a defect exists in the scan glass of a scanner, the defect will appear in a scanned image. Even if the defect lies outside of the target image region, the defect may be undesirably and incorrectly considered as part of the

target image region in prior systems, thereby resulting in additional scanned area being processed by the device (see Fig. 2A). Embodiments of the present invention address this shortcoming by determining the border of the target image region before processing, which includes ignoring the sections of the image scan area which were tagged as having a defect so that the determined border only borders the target image region (see Fig. 2B).

Claim 1 has been amended to recite determining a border of a target image region that surrounds the target image region, comprising ignoring the section of the image scanning area tagged as having a defect, wherein the section of the image scanning area tagged as having a defect is outside the determined border of the target image region, and processing the target image region without processing regions outside of the border of the target image region. The invention of claim 1 advantageously allows for processing only the target image region of an image scanning area without erroneously processing sections thereof having a defect.

The final Office Action points to “processing” as the defect correcting/filling in Denber (Figs. 5 and 6). However, claim 1 as amended recites that the section tagged as having a defect is outside the determined border of the target image region, and processing the target image region without processing areas outside of the border. As a result, claim 1 as amended does not process the areas having a defect. Because the processing identified in the final Office Action concerns processing areas having a defect, Applicants respectfully submit that Denber fails to show or suggest the claim as amended.

The final Office Action further identifies the target image region in Denber to be circle 13’ shown in Figs. 5-6 and 8 (second paragraph of page 7 of the Office Action). It is then stated in the final Office Action that determining of the border of circle 13’ in Denber includes

performing spiraling along the perimeter of the defect until the center of the defect is found (page 8 of the Office Action, first paragraph). Applicant respectfully submits that determining a surrounding border of a defect necessarily includes analyzing the area of the defect itself. It is not known to Applicant how one can determine a region surrounding a defect without determining the area of the defect, as contended in the final Office Action. Further, the very fact that Denber shows border determination by performing spiraling in and around the defect, *as admitted in the final Office Action*, proves that Denber does not show or suggest border determination by ignoring the section of the image scanning area having a defect.

As a result, Applicant submits that claim 1 as amended, as well as its dependent claims, are unanticipated by and allowable over Denber.

Claim 14 as amended recites a border determiner which determines a border of a target image region within the image scanning area based upon the generated tag, the border surrounding the target image region, wherein the border determiner ignores the section of the image scanning area tagged as having a defect and the section of the image scanning area tagged as having a defect being outside of the determined border of the target image region. As stated above with respect to claim 1, and in contradiction with statements in the final Office Action, Denber shows determining a border of an image region based upon the section of the image scanning area having the defect such that the “border” in Denber includes the area having the defect. Denber determines no area other than the area of a defect, so Denber cannot possibly determine a border of such defect area while ignoring this very area having the defect such that

the defect area is outside of the determined border. Claim 14 and its dependent claims are believed to be allowable as a result.

Claim 35 has been amended to recite determining a border of the target image region, the border surrounding the target image region and the location of the defect being outside of the determined border of the target image region; and processing the target image region without processing sections of the image scanning area outside of the border. As stated above, the target image region and the border therefor identified in the final Office Action as being in Denber include the area previously tagged as having a defect, so Denber does not and cannot have the defect area being within the border of the target image region and processing only the target image region without processing anything outside of the border. Claim 35 and its dependent claims are believed to be unanticipated by Denber and allowable thereover as a result.

**The rejection of claims 2-4, 10-11, 15-17, 23-24, 28, 31 and 36 under 35 USC 103(a)**

Claims 2-4, 10-11, 15-17, 23-24, 28, 31 and 36 under 35 USC 103(a) as being unpatentable over Denber in view of Peairs. In response thereto, Applicant submits the following.

Claim 10 recites that the image processing of claim 1 comprises cloning the target image region to produce multiple target images over the image scanning area based upon the recited border determination. Similarly, claim 23 recites that the image processing comprises an image replicator which selectively replicates the target image region to produce multiple target images

over the image scanning area based upon the border of the target image region. Claim 36 recites that the processing comprises replicating the target image region over the image scanning area without replicating sections of the image scanning area outside the border. The invention of claims 10, 23 and 36 advantageously allows for replicating only the target image region over the entire image scanning area for subsequent printing of the resulting image scanning area.

In the final Office Action, it is contended that Peairs shows a system in which image processing of the target image region comprises cloning thereof over the image scanning area. On the contrary, the particular passage in Peairs cited in the final Office Action shows or suggest no such thing. In fact, the cited passage in Peairs merely states that image restoration system 16 automatically retouches the digital image provided by scanner 12 (col. 3, lines 60-62). The retouched image 22 may be in electronic or paper hardcopy form (col. 3, lines 64-66).

First, Applicant respectfully points out that the retouches are areas having a defect, and the claimed invention recites processing the target image region which does not include the area having the defect.

It is further stated in the cited passage of Peairs that a retouched hardcopy document is useful in office copier applications where a corrected (i.e., retouched) copy of an original document is desired (col. 3, line 66 – col. 4, line 2). Applicant respectfully submits that nowhere in Peairs, either in the cited passage or elsewhere, is there mention of cloning the target image region to produce multiple target images over the image scanning area as claimed in claim 10. Applicant respectfully submits that making multiple, separate hardcopies of a retouched document by an office copier, as discussed in the cited passage in Peairs, in no way shows or suggest producing multiple target images over the image scanning area as claimed.

Because the combined teaching of Denber and Peairs fails to show or suggest the invention of claims 10, 23 and 36, such claims are allowable.

***Conclusion***

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, applicant respectfully submits that all pending claims are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone or email the undersigned at the numbers provided.

Respectfully submitted,



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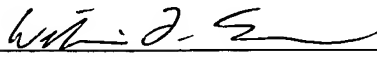
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Response to Office Communication

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I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 571-273-8300, on the date indicated below.

\_\_\_\_ William F. Esser \_\_\_\_\_  
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Date: \_\_\_\_ November 26, 2008 \_\_\_\_\_